

Remarks

I. Introduction

This is in response to the Office Action dated February 9, 2007. The Office Action rejected claims 2-16 and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Patent Cooperation Treaty (PCT) Patent No. WO 97/47119 (Hansson) in view of EP Patent Application EP 0709997 (Baechle).

In response, Applicants have amended claims 12, 13, 16, and 21. Claims 1 and 17-18 were previously canceled. Applicants are additionally filing a Request for Continued Examination in response to the finality of this Office Action.

II. Rejections under 35 U.S.C. §103

Claims 2-16 and 19-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hansson in view of Baechle. The Supreme Court has stated, in KSR International Co., Petitioner, v. Teleflex Inc. et al., U.S. Lexis 4745, (Supreme Court, 2007), that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” The Court discussed the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does”. The importance of identifying such a reason is “because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” Accordingly, Applicants respectfully submit that the claims are patentable over the cited references.

The present invention is generally directed to a method and apparatus for transmitting audio / visual (A/V) information between a sender and a recipient. The recipient is identified by a voice communication network address and a data communication network address. A voice connection is established on a voice communication network between the sender and the recipient. The data communication network address is determined for the recipient based on an

association between the recipient data communication network address and the recipient's voice communication network address. An identification of the A/V information that is to be sent to the recipient is obtained from the sender. The A/V information is then transmitted to the recipient data communication network address via a data network during the voice connection. The recipient navigates through the A/V information via the voice connection. For example, the recipient can move forwards and backwards through a series of audio-visual screens using the telephone keypads.

Independent claim 21 is directed to a method of transmitting audio / visual (A/V) information from a sender to a recipient. Independent claim 21 claims the limitations of:

transmitting said A/V information to said recipient data communication network address via a data network during said voice connection; and
receiving navigation instructions to navigate through said A/V information from said recipient via said voice connection.

None of the cited references disclose these limitations. The Office Action admits that Hansson does not clearly disclose "transmitting A/V information from the sender to the recipient data communication network address via a data network during the voice communication." (Office Action, Page 3). Hansson also does not disclose the newly added limitation of "receiving navigation instructions to navigate through said A/V information from said recipient via said voice connection". Hansson is instead directed to providing access to sources of at least one telephone network and at least one IP based network over a TV distribution network.

The Office Action relies on Baechle to cure the deficiencies of Hansson. Baechle does not cure the deficiencies of Hansson. Baechle discloses a method and apparatus for broadband network telemarketing. Baechle enables a customer to initiate contact with a telemarketing agent. A connection is established enabling signaling, audio, video, and data communication between

the customer and agent. The connection also allows the agent to take control of the display of the customer's television and to pass control of the display of the customer's television back to the customer. (Abstract).

Baechle does not, however, disclose receiving navigation instructions to navigate through A/V information from the recipient via the (previously established) voice connection, as claimed in amended claim 21. Baechle instead discloses that the "customer's TV (10) is connected through the broadband switch (22) to the broadband network server (24) and the customer can select from any of the services provided by the broadband network server. The broadband network server (24) as shown includes an ITV home shopping capability having a customer order database (28) and a multimedia database (30)." "The customer can browse through those products and services and order products and services using his TV." (Col. 2, line 52 – col. 3, line 9).

Thus, Baechle discloses that a customer can use his or her TV to browse through and order products and services. Baechle does not, however, disclose receiving navigation instructions to navigate through A/V information from the recipient via the voice connection, as claimed in amended claim 21. As a result, neither Hansson nor Baechle, either alone or in combination, disclose all of the limitations of independent claim 21.

Independent claim 13 is allowable for reasons similar to those described above in connection with claim 21. Therefore, for the reasons discussed above, independent claims 13 and 21 are allowable over the cited art.

Dependent claims 2-12, 14-16, and 19-20 depend upon an allowable independent claim and are therefore also allowable. In addition, these dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claim 3 claims the limitation of the recipient authorizing the transmitting by remaining on the connection for a designated period of time. The

Office Action states that Hansson discloses this limitation on page 17, lines 18-24. Page 17, lines 18-24 states that Hansson's TV Internet Protocol Network Terminal (NT) detects an on hook condition of the telephone of user A and then the connection to user B is terminated. The Office Action states that this limitation "reads on the connection is done between two devices by per session; thus when the session is terminated by an 'on hook', the connection is terminated." Hansson does not, however, disclose authorizing a transmission of information after a connection has been maintained for a designated period of time. Hansson does not disclose designating a set period of time to remain on a call and then, after the designated time elapses, allowing the transmission to occur.

The Office Action also states that the limitation of claim 3 is disclosed by Baechle in col. 6, lines 28-38. Col. 6, lines 28-38 of Baechle disclose that the agent can terminate "signaling, audio, data and video connections between the customer and telemarketing center" or "returns the customer to the broadband network main menu by terminating the customer's connection to the broadband network server's ITV home shopping network and terminating signaling, audio, data and video connections between the customer and telemarketing center". Thus, col. 6, lines 28-38 disclose Baechle terminating connections but does not disclose authorizing a transmission of information when a recipient remains on a voice connection for a designated period of time. Therefore, dependent claim 3 is allowable.

III. No New Matter has Been Added

The amendments to claims 12, 13, 16, and 21 do not add new matter. Support for the claim amendments are shown throughout the Specification and at least at page 4, lines 82 – 85.

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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